

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1492
91ST GENERAL ASSEMBLY

3793S.03T

2002

AN ACT

To repeal section 130.046, RSMo, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 130.046, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.046, to read as follows:

130.046. 1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

(3) Not later than the fifteenth day following the close of each calendar quarter.

Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 disclosure report not later than the fortieth day before the election for the period closing on the
19 forty-fifth day before the election.

20 2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition
21 or referendum petition, or a recall petition seeking to remove an incumbent from office,
22 disclosure reports relating to the time for filing such petitions shall be made as follows:

23 (1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of
24 this section the treasurer of a committee, other than a continuing committee, supporting or
25 opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent
26 from office shall file an initial disclosure report fifteen days after the committee begins the
27 process of raising or spending money. After such initial report, the committee shall file quarterly
28 disclosure reports as required by subdivision (3) of subsection 1 of this section until such time
29 as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed
30 in addition the committee shall file a second disclosure report no later than the fifteenth day after
31 the deadline date for submitting such petition. The period covered in the initial report shall
32 begin on the day the committee first accepted contributions or made expenditures to support or
33 oppose the petition effort for qualification of the measure and shall close on the fifth day prior
34 to the date of the report;

35 (2) If the measure has qualified to be on the ballot in an election and if a committee
36 subject to the requirements of subdivision (1) of this subsection is also required to file a
37 preelection disclosure report for such election any time within thirty days after the date on which
38 disclosure reports are required to be filed in accordance with subdivision (1) of this subsection,
39 the treasurer of such committee shall not be required to file the report required by subdivision
40 (1) of this subsection, but shall include in the committee's preelection report all information
41 which would otherwise have been required by subdivision (1) of this subsection.

42 3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file
43 disclosure reports pursuant to this section, except for any calendar quarter in which the
44 contributions received by the committee or the expenditures or contributions made by the
45 committee do not exceed five hundred dollars. The reporting dates and periods covered for such
46 quarterly reports shall not be later than the fifteenth day of January, April, July and October for
47 periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day
48 of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be
49 required to file the quarterly disclosure report required not later than the fifteenth day of any
50 January immediately following a November election, provided that such candidate, treasurer or
51 deputy treasurer shall file the information required on such quarterly report on the quarterly
52 report to be filed not later than the fifteenth day of April immediately following such November
53 election. Each report by such committee shall be cumulative from the date of the last report. In

54 the case of the continuing committee's first report, the report shall be cumulative from the date
55 of the continuing committee's organization. Every candidate, treasurer or deputy treasurer shall
56 file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding
57 the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this
58 section. A continuing committee shall submit additional reports if it makes aggregate
59 expenditures, other than contributions to a committee, of five hundred dollars or more, within
60 the reporting period at the following times for the following periods:

61 (1) Not later than the [seventh] **eighth** day before an election for the period closing on
62 the twelfth day before the election;

63 (2) Not later than forty-eight hours after aggregate expenditures of five hundred dollars
64 or more are made after the twelfth day before the election; and

65 (3) Not later than the thirtieth day after an election for a period closing on the
66 twenty-fifth day after the election.

67 4. The reports required to be filed no later than the thirtieth day after an election and any
68 subsequently required report shall be cumulative so as to reflect the total receipts and
69 disbursements of the reporting committee for the entire election campaign in question. The
70 period covered by each disclosure report shall begin on the day after the closing date of the most
71 recent disclosure report filed and end on the closing date for the period covered. If the
72 committee has not previously filed a disclosure report, the period covered begins on the date the
73 committee was formed; except that in the case of a candidate committee, the period covered
74 begins on the date the candidate became a candidate according to the definition of the term
75 candidate in section 130.011.

76 5. Notwithstanding any other provisions of this chapter to the contrary:

77 (1) Certain disclosure reports pertaining to any candidate who receives nomination in
78 a primary election and thereby seeks election in the immediately succeeding general election
79 shall not be required in the following cases:

80 (a) If there are less than fifty days between a primary election and the immediately
81 succeeding general election, the disclosure report required to be filed quarterly; provided that,
82 any other report required to be filed prior to the primary election and all other reports required
83 to be filed not later than the [seventh] **eighth** day before the general election are filed no later
84 than the final dates for filing such reports;

85 (b) If there are less than eighty-five days between a primary election and the immediately
86 succeeding general election, the disclosure report required to be filed not later than the thirtieth
87 day after the primary election need not be filed; provided that any report required to be filed prior
88 to the primary election and any other report required to be filed prior to the general election are
89 filed no later than the final dates for filing such reports; and

(2) No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than [two] **three** hundred [fifty] dollars from any single contributor **and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period.** Any contributions received or expenditures made which are not reported because [of] this statement is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the committee. [A report] **This statement** shall **not** be filed **in lieu of the report** for two or more consecutive disclosure [quarters] **periods** if either the contributions received or expenditures made in the aggregate during those reporting periods exceed five hundred dollars [and a report]. **This statement** shall **not** be filed [not], **in lieu of the report**, later than the thirtieth day after an election if that report would show a deficit of more than one thousand dollars.

6. (1) If the disclosure report required to be filed by a committee not later than the thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with the appropriate officer for each succeeding semiannual period until the deficit is reported in a disclosure report as being reduced to five thousand dollars or less; except that, a supplemental semiannual report shall not be required for any semiannual period which includes the closing date for the reporting period covered in any regular disclosure report which the committee is required to file in connection with an election. The reporting dates and periods covered for semiannual reports shall be not later than the fifteenth day of January and July for periods closing on the thirty-first day of December and the thirtieth day of June;

(2) Committees required to file reports pursuant to subsection 2 or 3 of this section which are not otherwise required to file disclosure reports for an election shall file semiannual reports as required by this subsection if their last required disclosure report shows a total of unpaid loans and other outstanding obligations in excess of five thousand dollars.

7. In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m. prevailing local time of the day designated for the filing of the report and a report postmarked

126 not later than midnight of the day previous to the day designated for filing the report shall be
127 deemed to have been filed in a timely manner. The appropriate officer may establish a policy
128 whereby disclosure reports may be filed by facsimile transmission.